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September 28, 2022

**VIA CM/ECF**

The Honorable Gregory B. Williams  
United States District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, DE 19801-3570

Re: *BearBox LLC, et al. v. Lancium LLC et al.* (C.A. No. 1:21-cv-534-GBW-CJB)

Dear Judge Williams:

In light of the recent reassignment of this case to Your Honor as well as the upcoming trial and associated pretrial filings, I write on behalf of Defendants Lancium LLC, Michael T. McNamara, and Raymond E. Cline, Jr. to renew Defendants' request for oral argument (D.I. 201) regarding their Motion for Summary Judgment (D.I. 148) and Motion for Summary Judgment Regarding Damages and Motion to Exclude Opinions of David Duski (D.I. 167) (the "Motions").

Oral argument is especially appropriate as to Defendants' Motion for Summary Judgment because it involves a claim construction dispute, and the Court has not previously conducted claim construction in the case. For correction of inventorship claims regarding an issued United States patent, like Plaintiffs' claims here, "the inventorship analysis, like an infringement or invalidity analysis, first requires the construction of each disputed claim to determine the subject matter encompassed thereby." *Gemstar-TV Guide Int'l, Inc. v. Int'l Trade Comm'n*, 383 F.3d 1352, 1381–82 (Fed. Cir. 2004).

In addition, resolution of the Motions may impact whether the upcoming trial, which is currently scheduled to begin on December 5, 2022 (D.I. 35), will be a jury trial or a bench trial. This is because, although Plaintiffs assert claims for correction of patent inventorship under 35 U.S.C. § 256 as well as claims arising under state law, there is no right to a trial by jury for claims for correction of inventorship. *See, e.g., MCV, Inc. v. King-Seeley Thermos Co.*, 870 F.2d 1568, 1570 (Fed. Cir. 1989) ("section 256 [] explicitly authorizes judicial resolution of co-inventorship contests over issued patents"). Resolution of Magistrate Judge Burke's recommendations in the Report and Recommendation (D.I. 143) regarding Defendants' Motion to Dismiss (D.I. 120), including the recommendation that Plaintiffs' unjust enrichment claim be dismissed—to which Plaintiffs did not object—may also impact whether the trial is a jury or bench trial.

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chad S.C. Stover", with a stylized flourish at the end.

Chad S.C. Stover (No. 4919)

cc: Counsel of Record (via CM/ECF)